

Planning Commissioner's Written Comments

May 10, 2011

Leesville Road Active Adult Community Z1000016

Mr. Brine - The applicant publically stated that he would revise his request to PDR 4.000 (which meets both land use designations on the property). With this promised change and the withdrawal of the plan amendment request, I felt comfortable voting to recommend approval. If the applicant later decides that he wants a higher density, then I would be in opposition.

This rezoning request does highlight a problem created by the UDO changes with regard to Development Plans. This is a large project. However, the Development Plan is so vague that it is difficult not to feel like approval of the request would give the applicant a blank check. I believe that somehow we need to find a way to get more detail, especially for large projects.

Ms. Brown – I voted to deny.

It is my opinion we must raise the bar on development in Durham. Our expectations for our county and how it developed is at a crucial point.

What you are seeing in this request is bare the minimum from the developer.

The requests could have huge impacts on downstream resident because of flooding. The development crosses 8 streams (2 stream crosses in pod 11).

Someone and the developer doesn't seem to know who, has already started clear cutting the site. Please reference the photograph staff provided. In these photo's you will see how the site will eventually look after mass grading.

Staff is looking into violations as to why the tree clearing had begun prior to the rezoning.

This is suppose to be an age restricted community. If you read the report carefully, only **one** person who lives in a dwelling has to be over the age of 55. (I thought a person that is 65 yrs. old was considered a senior citizen.?)

There are many dwelling that will not have age restriction place on them.

If I live there and my grandkids came to visit, they would have no place to play. There are no playgrounds. pool or tot lots in the proposal.

Bus service is not provided to the area. This rezoning will make the NC 54/Barbee Road intersection more dangerous especially for the "senior citizen's" who will live here.

The development has too much flexibility in what will go where. It's almost like giving a blank check out.

It is inconsistent with the neighboring land uses.

Here again, we have a developer who has submitted a watershed boundary request which was done by a surveyor that the developer chose.

I am also very concerned that Durham taxes from this request will go mainly to Raleigh. This request is close enough to Raleigh that I believe residents will shop the Brier Creek area and not come into Durham.

Mr. Davis – Recommend approval based on committed elements.

Mr. Harris – Concerns are; Water demands and treatment of wastewater . I voted to approve.

Ms. Jacobs - I am opposed to this rezoning because the development plan only meets the **minimum** ordinance requirements and does not adequately justify a change in zoning. This is a substantial project- **368 acres**-that will have a significant impact on future growth patterns in East Durham and the existing area that is still rural in character. It is important that the Durham community has high expectations for the quality of development in East Durham as this will become a rapidly developing area due to its large tracts of undeveloped land that are currently designated within the Urban Growth Area and proximity to RTP, Wake County, RDU and major transportation corridors. Because the Triassic soils in this area are highly erodible and creeks in the area such as Lick Creek and Little Lick Creek are already considered impaired, and because the water quality of Falls Lake is already endangered and there are flooding problems associated with Crabtree Creek downstream, this parcel as well as all future large scale projects, must be carefully developed to minimize environmental impact and future clean up costs that could burden Durham taxpayers. Already approved, yet unbuilt, is the Sierra (formerly Sauterne) development just across the road that will impact more than 500 acres. As noted in the staff report on page 6, the Leesville Road project will have enormous impact on the future of East Durham as a **Development Catalyst**. Therefore we need to ensure that this project is the best that it can be for the best interests of the current and future residents of East Durham and all citizens of Durham.

I have concerns about the following aspects of the Development Plan associated with this rezoning:

- No amenities are committed elements other than a clubhouse- no pool, walking trails (other than what is required) within the development, tot lot and playground for grandchildren, tennis courts, pocket parks, gazebos, benches or picnic areas, etc.
- There are 8 stream crossings shown in the DP. This is excessive. The crossing between Pod 10 and Pod 11 should be eliminated and Pod 11 should be additional stream buffer and open space. The site could be designed to avoid stream crossings between Pod 2 and Pod 3, Pod 6B and Pod 7 and the road crossing the stream between Pod 4 and Pod 8. If the applicant needed future stream crossings for pedestrian trails a variance could be requested at the site plan stage.

- The applicant has submitted a survey to change the designation of where the F/JB Watershed Protection Overlay District is located on this site which will affect the size stream buffers. Since the applicant is submitting the survey and an independent survey will not be conducted, this potential change in watershed protection should be carefully validated by staff as it will result in smaller buffers than currently required in many areas of the site.
- The tree save areas and open space shown on the development plan do not go beyond ordinance requirements and are mostly in areas (stream buffers, steep slopes, floodway fringe) that are already required to be protected and are not useable to residents. A development of this scale should increase the tree save and open space to provide a more attractive community for residents and help offset negative environmental impacts of mass grading more than 165 acres of land. This type of mass grading on rolling terrain with highly erodible soils could result in serious run off and stormwater issues during and after construction.
- Stream buffers could be increased (rather than decreased as applicant is requesting) and landscape buffers with adjacent properties is currently minimal- 10 feet.
- The concept of enforcement in an age restricted community of this size (more than 1300 residences) seems problematic. Will noncompliant residents be evicted? Are these rental or owner occupied units? If they are owner occupied how will this be handled? If only 80% of the units need to be compliant that still leaves 264 units – the size of many residential developments- that could have school age children which will have increased traffic and school impacts and justify improved amenities than what is offered in current development plan.
- Issue of recent illegal clear cutting/logging on site must be investigated. This raises issues about further compliance issues on this site and ability of applicant to follow Durham ordinances.

Mr. Martin – Yes, best use of land and comparable to surrounding area.

Mr. Monds - I voted against the motion because of insufficient details about the plan, concerns about the impact on the environment and traffic concerns.

Mr. Whitley – I voted not to approve.